

ILLINOIS POLLUTION CONTROL BOARD  
January 5, 2006

ILLINOIS STATE TOLL HIGHWAY	)	
AUTHORITY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 06-37
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.T. Girard):

On September 15, 2005, the Board, at the parties' request, extended until December 19, 2005, the time period within which Illinois State Toll Highway Authority may appeal an August 10, 2005 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.406. On December 19, 2005, Illinois State Toll Highway Authority filed a petition asking the Board to review the Agency's determination. The Agency rejected the high priority corrective action completion report for Illinois State Toll Highway Authority's leaking underground petroleum storage tank facility located at the Lincoln Oasis on I-294 east bound, in South Holland, Cook County.

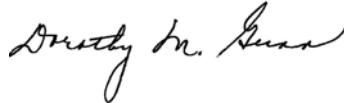
Illinois State Toll Highway Authority appeals on the grounds that Illinois State Toll Highway Authority's high priority corrective action completion report was completed in accordance with the requirements of Title XVI of the Environmental Protection Act (415 ILCS 5/Title XVI (2004) and 35 Ill. Adm. Code 732.409, and the bases asserted by the Agency for rejection are (1) inadequate and do not form a sufficient basis for rejection; and (2) inaccurate because the Agency-requested information was contained within the report or was previously submitted to the Agency. Illinois State Toll Highway Authority's petition meets the content requirements of 35 Ill. Adm. Code 105.408. The Board accepts the petition for hearing.

Illinois State Toll Highway Authority has the burden of proof. 35 Ill. Adm. Code 105.112(a). Hearings will be based exclusively on the record before the Agency at the time the Agency issued its determination. 35 Ill. Adm. Code 105.412. Hearings will be scheduled and completed in a timely manner, consistent with the decision deadline (*see* 415 ILCS 5/40(a)(2) (2004)), which only Illinois State Toll Highway Authority may extend by waiver (*see* 35 Ill. Adm. Code 101.308). If the Board fails to take final action by the decision deadline, Illinois State Toll Highway Authority may deem its request granted. *See* 415 ILCS 5/40(a)(2) (2004). Currently, the decision deadline is April 18, 2006 (the 120th day after December 19, 2005). *See* 35 Ill. Adm. Code 105.114. The Board meeting immediately before the decision deadline is scheduled for April 6, 2006.

Unless the Board or the hearing officer orders otherwise, the Agency must file the entire record of its determination by January 18, 2006, which is 30 days after Illinois State Toll Highway Authority filed the petition. 35 Ill. Adm. Code 105.410(a). If the Agency wishes to seek additional time to file the record, it must file a request for extension before the date on which the record is due to be filed. 35 Ill. Adm. Code 105.116. The record must comply with the content requirements of 35 Ill. Adm. Code 105.410(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 5, 2006, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board